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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,365	04/04/2000	Masaki Osada	B208-1089	5818

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EXAMINER

HENN, TIMOTHY J

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/542,365

Applicant(s)

OSADA, MASAKI

Examiner

Timothy J Henn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6, 13-18 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 6, 13, 17, 18, 25, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 2-4, 14-16 and 26-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

2. The amendment in paper number 8 filed on February 23, 2004 overcomes all previous objections to the specification, which are therefore withdrawn.

### ***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukushima et al. (US 6,253,023).

#### **[claim 1]**

5. In regard to claim 1, note that Fukushima et al. discloses an electronic still camera (Figure 1) capable of storing in one directory a predetermined number of image files each of which is formed from data of an image picked up by image pickup means, the electronic still camera comprising a selection unit which selects a desired image pickup mode from a plurality of kinds of image pickup modes (Column 12, Lines 46-51) and a control unit which, when the image pickup mode selected by the selection unit is a predetermined image pickup mode (i.e. a write allowing mode) allows to store the image files in a current directory even if the number of image files stored in the current

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directory exceeds the predetermined number, and when the image pickup mode selected by the selection unit is another mode (i.e. a write prohibiting mode), forbids to store the image files which exceed the predetermined number in the current directory. The office notes that the predetermined number in the system of Fukushima et al. is the number of image files which are present on the memory card prior to the initiation of an image pickup process, and when writing is allowed (i.e. a write allowing mode) the camera will not prevent the storage of a number of images which exceed the predetermined number, and when writing is prohibited (i.e. a write prohibiting mode) the camera forbids storage of any additional images, thereby limiting the storage to not exceed the predetermined number of images.

**[claim 13]**

6. Note that claim 13 is a method claim corresponding to the apparatus claim 1. Therefore, claim 13 is analyzed and rejected as previously discussed with respect to claim 1.

***Claim Rejections - 35 USC § 103***

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima et al. (US 6,253,023).

**[claim 25]**

8. In regard to claim 25, note that this claim contains all the limitations as given in claim 13, with the exception of a storage medium which stores a program for executing the method of controlling the camera. However, it is obvious to those skilled in the art

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that methods for controlling a digital camera can be implemented in software which is stored on a storage medium and executed in a microprocessor on the camera (Official Notice). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of control from rejected claim 13 in software stored on a storage medium as claimed.

9. Claims 5, 6, 17, 18, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima et al. (US 6,253,023).

**[claim 5]**

10. In regard to claim 5, note that Fukushima discloses all limitations with the exception of a predetermined number of image files which is a multiple of fifty. However, under the system of Fukushima, it is noted that if the memory card is capable of storing a number of images which is greater than fifty (as defined by the physical limit of the amount of memory available), then there inherently exists a case when the predetermined number will be a multiple of fifty.

**[claim 6]**

11. In regard to claim 6, note that Fukushima discloses all limitations with the exception of a control means which stores image files each having an identification number in an image pickup order appended, irrespective of the selected image pickup mode and a location of the directory in which the image files are stored. However, it is well known in the art to name image files using a standard prefix (i.e. DSC, AUT, etc...) and a number which represents the image pickup order (Official Notice). Therefore, It

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would have been obvious to one of ordinary skill in the art at the time the invention was made to use an industry accepted naming scheme such as described in the claim to avoid the likely hood that an image is given the same name as a previous image which is already stored on the memory card.

**[claims 17 and 18]**

12. Note that claims 17 and 18 are method claim corresponding to the apparatus claims 5 and 6 respectively. Therefore, claims 17 and 18 are analyzed and rejected as previously discussed with respect to claims 5 and 6.

**[claims 29 and 30]**

13. In regard to claims 29 and 30, note that this claim contains all the limitations as given in claims 17 and 18, with the exception of a storage medium which stores a program for executing the method of controlling the camera. However, it is obvious to those skilled in the art that methods for controlling a digital camera can be implemented in software which is stored on a storage medium and executed in a microprocessor on the camera (Official Notice). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of control from rejected claims 17 and 18 in software stored on a storage medium as claimed.

***Allowable Subject Matter***

14. Claims 2-4, 14-16 and 26-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

**[claims 2-4, 14-16 and 26-28]**

15. The prior art does not teach or fairly suggest a camera system or method which selectively honors or ignores an artificially created limit corresponding to a number of files which a folder may save based upon whether the camera is in an image pickup mode which is one of a continuous shoot mode, panorama joining mode or a mode which constitutes a combination of serial images.

***Response to Arguments***

16. Applicant's arguments with respect to claims 1-6, 13-18 and 25-30 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J Henn whose telephone number is (703) 305-8327. The examiner can normally be reached on M-F 7:30 AM - 5:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJH  
3/9/2004

  
NGOC-YEN VU  
PRIMARY EXAMINER